

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRENCE BERNARD SEWELL,

Petitioner,

v.

MIKE BROWN,

Respondent.

Case No. 2:20-cv-11375
Honorable Laurie J. Michelson

**ORDER TRANSFERRING THE EMERGENCY PETITION FOR WRIT OF
HABEAS CORPUS TO THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN**

Terrence Bernard Sewell, presently serving a 20- to 30-year sentence at the Kinross Correctional Facility in Kincheloe, Michigan, filed an emergency petition for writ of habeas corpus in this District pursuant to 28 U.S.C. § 2241. Sewell also seeks injunctive relief and a temporary restraining order. In his petition, Sewell seeks release from prison based on the coronavirus pandemic and his fear that he might contract the disease. In the interests of justice, the Court concludes that the proper venue for this petition is in the Western District of Michigan and orders that the petition be immediately transferred to that district.

When a person is in custody under a state court conviction, § 2241(d) allows for a habeas petition to be filed “in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him.” Sewell is currently in custody within the Western District of Michigan, but he was convicted and sentenced in Wayne County, in this District. (ECF No. 1, PageID.2.) So the districts have concurrent jurisdiction over Sewell’s petition.

But the district court where the petition is filed “in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.” 28 U.S.C. § 2241(d).

Sewell in this petition does not challenge his conviction, but rather the conditions of his confinement, namely, the risk that he might contract COVID-19 while incarcerated. Sewell seeks immediate release from custody, alleging that the precautions taken by the Michigan Department of Corrections, and Kinross Correctional Facility specifically, are insufficient to protect the prisoners from contracting the disease.

Because Sewell’s petition is related solely to the current conditions at his facility in Kincheloe, Michigan, the Court finds it is in the interests of justice to exercise its discretion and transfer his petition to the Western District of Michigan. *See* 28 U.S.C. § 2241(d); *see also Hulvey v. Curtin*, No. 2:09-CV-14259, 2010 WL 3609488, at *1 (E.D. Mich. Sept. 14, 2010).

Accordingly, the Court ORDERS the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. § 1404(a). Given the time-sensitivity of Sewell’s claims, the Court directs the Clerk to effectuate the transfer as soon as possible.

SO ORDERED.

Dated: June 4, 2020

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on June 4, 2020.

s/Erica Karhoff
Case Manager